

Message Text

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ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-10 EA-09 EUR-12 NEA-10

FEA-01 ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-02 COME-00 DODE-00 DOTE-00 EB-07 EPA-04

ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-02 OES-06 OMB-01 PA-02 PM-04

PRS-01 SP-02 SS-15 USIA-15 SAL-01 SNM-02 DEAE-00 /190 W
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FROM LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJ: LOS COMMITTEE II. PM SESSION 20 APR.

SUMMARY: C-II CONTINUED CONSIDERATION OF HIGH SEAS ARTICLES AND COMPLETED ARTICLES 74 THRU 96. MOST ARTICLES WERE ACCEPTED WITHOUT COMMENT OR WITH MINOR CHANGES. LIVLIEST DEBATE WAS BETWEEN TERRITORIALISTS AND SOVS OVER URUGUAY AMENDMENTS TO ARTS. 86 AND 91. SOVS DISAPPROVAL WAS BASED ON ARGUMENT THAT AMENDMENTS WERE HIDDEN ATTEMPT TO CHANGE CHARACTER OF ECONOMIC ZONE (EZ) INTO A FORM OF TERRITORIAL SEA.
END SUMMARY.

1. CHAIRMAN AGUILAR PRESIDED OVER COMMITTEE II MEETING AFTERNOON 20 APR WHERE DEBATE CONTINUED ON ARTICLE BY ARTICLE CONSIDERATION OF HIGH SEAS SECTION OF SINGLE NEGOTIATED TEXT (SNT). (REPORT ON ART. 73 SENT SEPTTEL).

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2. ART. 74. INDONESIA SOUGHT TO REPLACE "STATES" WITH

"NATIONS"; FRG SOUGHT DELETION OF ARTICLE SINCE PRINCIPLE IS COVERED IN UN CHARTER; PERU VOICED QTE ASTONISHMENT UNQTE AT FRG PROPOSAL.

3. ART. 75. AFGHANISTAN SOUGHT TO REPLACE QTE MAY UNQTE WITH QTE SHALL UNQTE SO LINE ONE WOULD READ (IN PART): QTE ... NO STATE SHALL VALIDLY PURPORT TO SUBJECT ANY PART OF THEM TO ITS SOVEREIGNTY. UNQTE. TUNISIA OFFERED AMENDMENT TO PARA (E) AS FOLLOWS: QTE FREEDOM OF FISHING, TAKING INTO ACCOUNT THE NEED FOR A RATIONAL MANAGEMENT OF BIOLOGICAL RESOURCES AND SPECIFICALLY ENUMERATED WITH THE CONDITIONS IN SECTION 2. UNQTE. THIS RECEIVED BROAD SUPPORT. US (CLINGAN) PROPOSED ADDITION TO PARA (C) QTE WITHOUT PREJUDICE TO THE PROVISIONS OF ART 65 UNQTE; TO PARA (D), QTE WITHOUT PREJUDICE TO PROVISIONS OF ARTS 48 AND 66 UNQTE; TO PARA (E) AFTER QTE SUBJECT UNQTE: QTE WITHOUT PREJUDICE TO ARTS 45, 50 THRU 60 AND 63 UNQTE; AND TO PARA (F) SUBSTITUTE WORD QTE PART UNQTE FOR QTE PART IV AND UNQTE. THIS WAS OPPOSED BY PERU, SUPPORTED BY JAPAN, POLAND, DENMARK, GREECE AND UK. AUSTRALIA SOUGHT ADDITION TO PARA 2: QTE AND ALSO WITH DUE CONSIDERATION FOR THE RIGHTS CONTAINED IN THIS CONVENTION WITH RESPECT TO ACTIVITIES IN THE AREA UNQTE. THIS ALSO RECEIVED BROAD SUPPORT.

4. ART 76. YUGOSLAVIA URGED THAT THIS ARTICLE, WHICH DEALS WITH RIGHTS OF A STATE TO SAIL SHIPS UNDER ITS FLAG ON HIGH SEAS, BE REDRAFTED TO BRING IT INTO ACCORD WITH EXISTING CONVENTIONS AND PLACED IN SEPARATE CHAPTER. THIS PROPOSAL WAS VERY WIDELY SUPPORTED.

5. ART. 77. SWAZILAND SOUGHT DRAFTING CHANGE TO CLARIFY CONCEPT OF QTE GENUINE LINK BETWEEN THE STATE AND ITS SHIP UNQTE AND PROPOSED ADDING TO PARA 1: QTE EXERCISES JURISDICTION OVER UNQTE. PERU, ITALY AND NEW ZEALAND PROPOSED MAKING ART 80 A PARA OF ART 77.

6. ART 78. FIJI PROPOSED CLARIFYING DEFINITION OF QTE PORT UNQTE.

7. ART 79. AUSTRALIA PROPOSED ADDING, QTE OR THE INTER-UNCLASSIFIED

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NATIONAL SEABED AUTHORITY UNQTE.

8. ART 80. INDONESIA SOUGHT CLARIFICATION OF PARA 5 WHICH REQUIRES STATES TO CONFORM TO GENERALLY ACCEPTED INTERNATIONAL REGULATIONS, PROCEDURES AND PRACTICES. HE SAID IF THIS MEANT INTERNATIONAL CONVENTIONS THERE WAS DIFFICULTY SINCE NOT ALL STATES HAVE RATIFIED ALL CONVENTIONS. CANADA URGED CHAIRMAN TO CONSULT WITH CHII CHAIRMAN TO ENSURE

WORDING ON POLLUTION ISSUES WAS CONSISTENT.

9. ART 81. NO COMMENTS.

10. ART 82. SOVS, BACKED BY EE, PROPOSED DELETION OF QTE AND USED ONLY ON GOVERNMENT NON-COMMERCIAL SERVICE UNQTE. ITALY SAID WORDING WAS FROM 1958 CONVENTION AND OUGHT TO BE MAINTAINED.

11. ART 83. NO COMMENTS.

12. ART 84. GREECE PROPOSED AMENDING PARA 2 TO READ QTE EVERY COASTAL STATE, CONFORMING TO GENERALLY ACCEPTED INTERNATIONAL REGULATIONS, PROCEDURES AND PRACTICES, SHALL PROMOTE ... UNQTE THE ESTABLISHMENT OF SAR SERVICES. THIS ADDITION, HE SAID, WAS TO TAKE INTO ACCOUNT NEGOTIATIONS IN IMCO. TUNISIA QUESTIONED OBLIGATION OF STATE TO ASSIST SHIPS; HE HAD NO PROBLEM WITH OBLIGATION TO SAVE LIVES.

13. ART 85. NO COMMENTS.

14. ART 86. URUGUAY PROPOSED FOLLOWING AMENDMENT TO PARA 2: QTE IN THE EXCLUSIVE ECONOMIC ZONE, THIRD STATES SHALL COOPERATE WITH THE COASTAL STATE, AS APPROPRIATE, IN THE REPRESSION OF ACTS REFERRED IN ART 87 UNQTE. SOVS RESISTED THE AMENDMENT WITH ARGUMENT THAT (A) IT WAS A CONCEALED ATTEMPT IN THE CAUSE TO MAKE THE EZ A TS, AND (B) IT WAS IMPRACTICAL. THE AMENDMENT RECEIVED BROAD LDC SUPPORT EXCEPT FOR BOLIVIA, WHO OBJECTED.

15. ART 87. NO COMMENTS.

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16. ART 88. KENYA SAID DRAFTING COMMITTEE WOULD HAVE TO CONSIDER ART 81 WHEN CONSIDERING THIS ARTICLE ON IMMUNITY OF WARSHIPS.

17. ARTS 89 AND 90. NO COMMENTS.

18. ART. 91. URUGUAY INTRODUCED AMENDMENT AS FOLLOWS: QTE EVERY STATE WHICH FINDS IN THE EXCLUSIVE ECONOMIC ZONE OF OTHER STATE, A PIRATE SHIP OR A PIRATE AIRCRAFT OR A SHIP SEIZED AS A CONSEQUENCES OF AN ACT OF PIRACY AND IN THE POWER OF PIRATES, IT WILL IMMEDIATELY NOTIFY THE COASTAL STATE AND WILL COOPERATE WITH SAID STATE AT THE REQUEST OF IT IN THE WAY SAID STATE MAY REQUIRE IN THE ADOPTION OF THE PERTINENT MEASURES. UNQTE. THIS AMENDMENT WAS SUPPORTED BY MANY LDC AND OPPOSED BY SOVS FOR SIMILAR REASONS GIVEN

IN ART 86 ABOVE.

19. ARTS 92 - 94. NO COMMENTS.

20. ART 95. JAPAN SAID PARA 2 WHICH AUTHORIZED PROSECUTION BY STATE RECEIVING UNAUTHORIZED BROADCAST AS TOO BROAD SINCE RADIO WAVES CARRY FOR GREAT DISTANCES.

21. ART 96. PERU PROPOSED ADDITIONAL SUB-PARA TO PARA 1 WHICH AUTHORIZED BOARDING FOR SUSPICION OF TRANSPORTING NARCOTICS. THIS WAS SUPPORTED BY TURKEY, ECUADOR, BRAZIL, BOLIVIA, CHILE, UAE, PHILIPPINES, JAPAN, SPAIN AND GAMBIA. CHAIRMAN SAID THIS WAS DELIBERATELY OMITTED IN SENTENCE SINCE SOME STATES FELT POWER WAS TOO BROAD; THE WARSHIP COULD SEIZE IN THESE CASES, BUT NOT BOARD. SOVS SAID THEY HAD NO DIFFICULTY WITH CONCEPT BUT PARA MUST BE CAREFULLY DRAFTED TO ENSURE BOARDING WOULD TAKE PLACE ONLY IF THERE WERE VERY CLEAR AND SPECIFIC INDICATIONS OF PRESENCE OF NARCOTICS OR IF REQUESTED BY ANOTHER STATE. ARBITRARY BOARDINGS WOULD BE TOO DANGEROUS.
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